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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ZHENHUA LOGISTICS (HONG KONG) CO., LTD., No. C-13-2658 EMC

Plaintiff,

v.

METAMINING, INC., *et al.*,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO FILE MOTION FOR RECONSIDERATION; AND DENYING PLAINTIFF'S MOTION TO SHORTEN TIME
(Docket Nos. 37, 44)

Plaintiff has filed a motion for leave to file a motion for reconsideration which it asks the Court to hear on shortened time.

As a preliminary matter, the Court rejects Plaintiff's attempt to characterize its ultimate request for relief as a motion to reconsider. Contrary to what Plaintiff argues, it is not really asking the Court to reconsider its attachment order of June 20, 2013. Rather, Plaintiff is asking the Court to issue a new writ of attachment for additional money. *See generally Deauville Restaurant, Inc. v. Superior Court*, 90 Cal. App. 4th 843 (2001) (deeming second motion for a writ of attachment as a new or renewed motion rather than a motion for reconsideration). The Court therefore **DENIES** Plaintiff's motion for leave to file a motion for reconsideration but shall construe Plaintiff's motion to reconsider as a new or successive motion for a writ of attachment.

To the extent Plaintiff asks for that motion – so construed – to be heard on shortened time, that request for relief is also **DENIED**. Plaintiff has failed to establish the urgency of the motion. It is asking for relief based on letters that are dated August 2012. Plaintiff could have made a demand

1 of Metamining earlier – indeed, before the hearing on its first motion for a writ of attachment and a
2 temporary restraining order – but it did not. Nor did Plaintiff make any mention of the issue to the
3 Court at that hearing. Furthermore Metamining has articulated a legitimate basis for needing more
4 time than contemplated by Plaintiff to respond to the motion. Accordingly, Plaintiff's motion shall
5 be subject to the regularly noticed briefing schedule as provided for by the Civil Local Rules. The
6 motion shall be heard on August 1, 2013, at 1:30 p.m.

7 This order disposes of Docket Nos. 37 and 44.

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9 IT IS SO ORDERED.

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11 Dated: June 28, 2013

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EDWARD M. CHEN
United States District Judge

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